

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

April 22, 2008

TO: Gary Sasse, Director

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday, April 10, 2008. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/ Regulations and Legal Counsel Marcy Coleman, Esq., Division of Legal Services and the hearing Board members: Walter Craddock, Esq., James Botvin, Dennis Gerstmeyer.

Recused: Cpl. David Doucet of the Rhode Island State Police.

Absent: Thomas Ricci

MEETING OF APRIL 10, 2008 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN STREET, PAWTUCKET,
RI 02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE MARCH 27,
2008 BOARD HEARING.**

Minutes reviewed and accepted by the board.

**2. DEALERS' LICENSE & REGULATIONS OFFICE V. AUTOSTORE
MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)
SHOW CAUSE HEARING -CASE #DS-08-SURETY
RE: CANCELLATION OF THE 2008 SURETY BOND**

**John Harwood, Esq., attorney for Autostore Motor Sales, has advised
that his client, Daniel Shabo, would not be appearing for the hearings
and they should proceed without him.**

**Decision: The Board has determined that Autostore Motor Sales is
in violation of RIGL § 31-5-11(1) and (10) as a result of not maintaining
a surety bond in effect as required by Rules and Regulations VI(O).
The Board has revoked the Dealer's license, number 609,
immediately. Autostore Motor Sales has 10 days from the receipt of
the formal decision to return his license to buy and sell used cars and
all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and
Regulations Office.**

HEARING RESULTS

PAGE 2 OF 8

**3. MELISSA KELL V. AUTOSTORE MOTOR SALES (Daniel Shabo,
Pres. / John Harwood, Esq.)**

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-07-204

1ST. RESCHEDULED HEARING

Decision: Based on the fact that the vehicle was not properly state inspected, the Board has determined that Autostore Auto Sales will refund the amount of \$10,000.00, the full purchase price, to the Consumer. The Dealers must submit a check in this amount to the Dealer's License and Regulations Office within 10 days of receiving the official decision. The Consumer will return the vehicle and title to Autostore Auto Sales.

The Board has also determined that Autostore Auto Sales was in violation of the following RI General Laws and RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$1000.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RIGL § 31-38-1(b): Dealer failed to state inspect vehicle prior to sale.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not an employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1),(8), and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

4. JILLIAN POTTER V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres./ John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-07-205

1ST. RESCHEDULED HEARING.

Decision: Consumer Jillian Potter was unable to attend the hearing. The Board has dismissed this case without prejudice.

HEARING RESULTS

PAGE 3 OF 8

**5. ROGER W. BOUCHER /(Kate Breslin Harden, Esq). V. AUTOSTORE
MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)
COMPLAINT / SHOW CAUSE HEARING – CASE #DS-07-005**

Decision: The Board has determined that the Autostore Motor Sales is in violation of RIGL §31-5-11(1), (4), (5), (8),and (10) and is ordered to pay the consumer a total of \$10,320.71 to buy back the vehicle. This amount includes the cost of the vehicle of \$9928.30, \$65.00 for door panel, \$392.41 for replacement parts to repair the vehicle. The Dealer must send a check for this amount to the Dealer's License and Regulations Office within 10 days of receiving the official decision. The Consumer will return the vehicle and title to the dealer.

The Board has also determined that Autostore Auto Sales was in violation of the following RI General Laws and RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$1000.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VII(F): Dealer failed to deliver the title within the maximum of 20 days from date of sale to the Consumer.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not an employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1),(4),(5), (8) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

John Howard, Esq., attorney for Autostore Motor Sales excused himself from hearing the balance of the cases to be presented and has agreed the Board can continue in his absence.

HEARING RESULTS

PAGE 4 OF 8

6. BARBARA A. MARSHALL V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-08-023

1ST. RESCHEDULED HEARING

Decision: The Board has determined that Autostore Motor Sales must pay the Consumer \$1,500.00, to reimburse her for a warranty which was not supplied. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving

the written decision.

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$500.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not and employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1),(4),(5),(8) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

7. MARK HAWKINS V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-08-018

1ST. RESCHEDULED HEARING.

Decision: The Board has determined that Autostore Motor Sales must pay the Consumer \$2,200.00, to reimburse him for a warranty

which was not supplied. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving the written decision.

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$500.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not and employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1),(4),(5),(8) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

HEARING RESULTS

PAGE 5 OF 8

**8. KEVIN NANNI V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.
/ John Harwood, Esq.)**

**COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-053-
1ST. RESCHEDULED HEARING.**

Decision: The Board has determined that Autostore Motor Sales must pay the Consumer \$1,895.00, to reimburse him for a warranty which was not supplied. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving the written decision.

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$500.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not and employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1), (4), (5), (8) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

9. KIM SAWYER V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres./ John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-052

1ST. RESCHEDULED HEARING.

Decision: The Board has determined that Autostore Motor Sales must pay the Consumer \$3,121.57 for failing to supply the extended warranty for \$1750.00 and the gap insurance for \$399.00, also included in this figure is \$972.57 for repairs incurred because the warranty was not in effect. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving the written decision.

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$500.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not and employee of the dealership to sell vehicle to consumer.

HEARING RESULTS

PAGE 6 OF 8

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1),(3),(4),(5),(8),(10) and 11. Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

10. CYNTHIA A. CARR V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres./ John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-858

Decision: The Board has determined that Autostore Motor Sales must pay the Consumer \$2494.00 which includes the cost of the warranty of \$1995.00 and the cost of Gap Insurance of \$499.00 which the dealership failed to supply. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving the written decision.

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$500.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not and employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1), (4),(5),(8) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

11. GLORIA L. MCKAY V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-08-006

1ST RESCHEDULED HEARING.

Decision: The Board has determined that Autostore Motor Sales must pay the Consumer \$2398.00 which includes the cost of the warranty of \$1999.00 and the cost of Gap Insurance of \$399.00 which the dealership failed to supply. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving

the written decision.

HEARING RESULTS

PAGE 7 OF 8

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$500.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VI(L): Dealer allowed person not and employee of the dealership to sell vehicle to consumer.

The Board has revoked Autostore Motor Sales' license, number 609, to do business for their violation of RIGL § 31-5-11(1), (4),(5),(8) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

**12. MARK MCKAY V. AUTOSTORE MOTOR SALES (Daniel Shabo,
Pres. / John Harwood, Esq.)**

COMPLAINT / SHOW CAUSE HEARING #DS-08-008

Decision: The Board has determined that the Consumers repairs are covered under the original 30 day warranty. Autostore Motor Sales must pay the Consumer \$218.15 to cover the cost of the repairs paid for by him. The Dealer must send a check to the Dealer's License and Regulations Office within 10 days of receiving the written decision.

The Board has also determined that Autostore Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated below, which totals \$2000.00, in 10 days of receipt of the formal decision to the Dealer's License and Regulations Office.

Fine: \$500.00: RI Rules and Regulations VII(F): Dealer failed to provide title to the Consumer with twenty day of the sale.

Fine: \$1500.00: RI Rules and Regulations VII(E): Dealer failed to properly number the bill of sale on three separate occasions result in fines of \$500.00 for each occurrence.

The Board has revoked Autostore Motor Sales' license, number 609,

to do business for their violation of RIGL § 31-5-11(1), (5) and (10). Autostore Motor Sales has 10 days from the receipt of the formal decision to return his license to buy and sell used cars and all dealer plates, 284 A-I, a total of 9 plates to the Dealers License and Regulations Office.

HEARING RESULTS

PAGE 8 OF 8

**13. DEALERS' LICENSE & REGULATIONS OFFICE V. AUTOSTORE
MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)
SHOW CAUSE HEARING – CASE #DS-08
1ST RESCHEDULED HEARING**

Decision: The Board has dismissed the complaint as a result of Autostore Motor Sales paying all outstanding amounts due on returned checks.

Walter Craddock, Esq. Chairman

Cc: Charles Dolan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File